

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-00260-JEB**

ELECTRONIC PRIVACY INFORMATION CENTER v.
DEPARTMENT OF HOMELAND SECURITY
Assigned to: Judge James E. Boasberg
Case in other court: 14-05013
Cause: 05:552 Freedom of Information Act

Date Filed: 02/27/2013
Date Terminated: 07/10/2015
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Alan Jay Butler**
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INFORMATION CENTER
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ATTORNEY TO BE NOTICED

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TERMINATED: 08/26/2013

V.

Defendant

**DEPARTMENT OF HOMELAND
SECURITY**

represented by **Justin Michael Sandberg**
 U.S. DEPARTMENT OF JUSTICE
 Civil Division
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 02/27/2013 | <u>1</u> | COMPLAINT against DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 350 receipt number 0090-3233293) filed by ELECTRONIC PRIVACY INFORMATION CENTER.(McCall, Ginger) (Entered: 02/27/2013) |
| 02/27/2013 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (McCall, Ginger) (Entered: 02/27/2013) |
| 02/27/2013 | | Case Assigned to Judge James E. Boasberg. (md,) (Entered: 02/27/2013) |
| 02/28/2013 | <u>3</u> | NOTICE of Civil Cover Sheet by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Summons)(McCall, Ginger) (Entered: 02/28/2013) |
| 03/15/2013 | <u>4</u> | ELECTRONIC SUMMONS Issued (3) as to DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent, # <u>2</u> Consent Form)(md,) (Entered: 03/15/2013) |
| 03/18/2013 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/18/2013. Answer due for ALL FEDERAL DEFENDANTS by 4/17/2013. (McCall, Ginger) (Entered: 03/18/2013) |
| 04/17/2013 | <u>6</u> | ANSWER to Complaint by DEPARTMENT OF HOMELAND SECURITY.(Sandberg, Justin) (Entered: 04/17/2013) |
| 04/17/2013 | <u>7</u> | ORDER requiring the parties to consult and file a joint proposed briefing schedule by May 17, 2013. Signed by Judge James E. Boasberg on 4/17/2013. (lcjeb2) (Entered: 04/17/2013) |
| 04/18/2013 | | Set/Reset Deadline: Parties to consult and file a joint proposed briefing schedule by 5/17/2013. (ad) (Entered: 04/18/2013) |
| 05/17/2013 | <u>8</u> | MEET AND CONFER STATEMENT. (McCall, Ginger) (Entered: 05/17/2013) |
| 05/20/2013 | | MINUTE ORDER adopting the parties' <u>8</u> Joint Proposed Briefing Schedule. The Court ORDERS that: (1) Defendant shall file a Motion for Summary Judgment, along with a Vaughn index, and produce any segregable material to Plaintiff, by June 14, 2013; (2) Plaintiff shall file a Combined Opposition to Defendant's Motion and any Cross-Motion for Summary Judgment by July 12, 2013; (3) Defendant shall file a Combined Reply in support of its Motion and Opposition to any Cross-Motion by July 26, 2013; (4) Plaintiff shall file a Reply in support of any Cross-Motion by August 9, 2013. Signed by Judge James E. Boasberg on 5/20/13. (lcjeb2) (Entered: 05/20/2013) |
| 05/21/2013 | | Set/Reset Deadlines: Defendant shall file a Motion for Summary Judgment, along with a Vaughn index, and produce any segregable material to Plaintiff, by 6/14/2013; Plaintiff shall file a Combined Opposition to Defendant's Motion and any Cross-Motion for Summary Judgment by 7/12/13; Defendant shall file a Combined Reply in support of its Motion and Opposition to any Cross-Motion by 7/26/2013; Plaintiff shall file a Reply in support of any Cross-Motion by 9/09/2013. (ad) (Entered: 05/21/2013) |
| 06/13/2013 | <u>9</u> | Consent MOTION for Extension of Time to File <i>Summary Judgment and Otherwise Amend Briefing Schedule</i> by DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Sandberg, Justin) (Entered: 06/13/2013) |

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| 06/13/2013 | | MINUTE ORDER granting Defendant's <u>9</u> Consent Motion to Amend Briefing Schedule. The Court ORDERS that: (1) Defendant shall now file a Motion for Summary Judgment, along with a <i>Vaughn</i> index, and produce any segregable material to Plaintiff, by June 28, 2013; (2) Plaintiff shall now file a Combined Opposition to Defendant's Motion and any Cross-Motion for Summary Judgment by July 26, 2013; (3) Defendant shall now file a Combined Reply in support of its Motion and Opposition to any Cross-Motion by August 9, 2013; and (4) Plaintiff shall now file a Reply in support of any Cross-Motion by August 23, 2013. Signed by Judge James E. Boasberg on 6/13/2013. (lcjeb2) (Entered: 06/13/2013) |
| 06/14/2013 | | Set/Reset Deadlines: Defendant shall now file a Motion for Summary Judgment, along with a <i>Vaughn</i> index, and produce any segregable material to Plaintiff, by 6/28/2013; Plaintiff shall now file a Combined Opposition to Defendant's Motion and any Cross-Motion for Summary Judgment by 7/26/2013; Defendant shall now file a Combined Reply in support of its Motion and Opposition to any Cross-Motion by 8/09/2013; Plaintiff shall now file a Reply in support of any Cross-Motion by 8/23/2013. (ad) (Entered: 06/14/2013) |
| 06/28/2013 | <u>10</u> | MOTION for Summary Judgment by DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Text of Proposed Order)(Sandberg, Justin) (Entered: 06/28/2013) |
| 07/26/2013 | <u>11</u> | Cross MOTION for Summary Judgment by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(McCall, Ginger) (Entered: 07/26/2013) |
| 07/26/2013 | <u>12</u> | Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(McCall, Ginger) (Entered: 07/26/2013) |
| 08/09/2013 | <u>13</u> | Memorandum in opposition to re <u>11</u> Cross MOTION for Summary Judgment filed by DEPARTMENT OF HOMELAND SECURITY. (Sandberg, Justin) (Entered: 08/09/2013) |
| 08/09/2013 | <u>14</u> | REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by DEPARTMENT OF HOMELAND SECURITY. (Sandberg, Justin) (Entered: 08/09/2013) |
| 08/22/2013 | <u>15</u> | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 08/22/2013) |
| 08/23/2013 | <u>16</u> | REPLY to opposition to motion re <u>11</u> Cross MOTION for Summary Judgment filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Rotenberg, Marc) (Entered: 08/23/2013) |
| 08/26/2013 | <u>17</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to ELECTRONIC PRIVACY INFORMATION CENTER. Attorney Ginger P. McCall terminated. (McCall, Ginger) (Entered: 08/26/2013) |
| 11/12/2013 | <u>18</u> | ORDER: As set forth in the accompanying Memorandum Opinion, the Court ORDERS that: (1) Defendant's <u>10</u> Motion for Summary Judgment is DENIED; (2) Plaintiff's <u>11</u> Motion for Summary Judgment is GRANTED; (3) This Judgment is STAYED for 30 days; and (4) Should DHS notice an appeal by December 12, 2013, the stay shall remain in effect until the Court of Appeals rules on such appeal. Signed by Judge James E. Boasberg on 11/12/13. (lcjeb1,) (Entered: 11/12/2013) |
| 11/12/2013 | <u>19</u> | MEMORANDUM OPINION re <u>18</u> Order. Signed by Judge James E. Boasberg on 11/12/13. (lcjeb1) (Entered: 11/12/2013) |
| 11/22/2013 | <u>20</u> | Unopposed MOTION Extension of Stay of Judgment by DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Sandberg, Justin) (Entered: 11/22/2013) |
| 11/22/2013 | | MINUTE ORDER granting Defendant's <u>20</u> Unopposed Motion for Stay of Judgment: The Court ORDERS that the judgment is stayed until January 13, 2014. If Defendant files a notice of appeal on or before January 13, 2014, the stay shall remain in effect until the Court of Appeals rules on that appeal. Signed by Judge James E. Boasberg on |

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| | | 11/22/13. (lcjeb1) (Entered: 11/22/2013) |
| 01/13/2014 | <u>21</u> | NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>18</u> Order on Motion for Summary Judgment, <u>19</u> Memorandum & Opinion by DEPARTMENT OF HOMELAND SECURITY. Fee Status: No Fee Paid. Parties have been notified. (Sandberg, Justin) (Entered: 01/13/2014) |
| 01/13/2014 | <u>22</u> | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the fee was an Appeal by the Government re <u>21</u> Notice of Appeal to DC Circuit Court. (td,) (Entered: 01/13/2014) |
| 01/23/2014 | | USCA Case Number 14-5013 for <u>21</u> Notice of Appeal to DC Circuit Court filed by DEPARTMENT OF HOMELAND SECURITY. (td,) (Entered: 01/27/2014) |
| 06/01/2015 | <u>23</u> | MANDATE of USCA (certified copy) as to <u>21</u> Notice of Appeal to DC Circuit Court filed by DEPARTMENT OF HOMELAND SECURITY. ORDERED and ADJUDGED that the District Court's grant of summary judgment appealed from in this cause is hereby reversed and the case is remanded for the district court to determine whether any reasonably segregable portions of SOP 303 can be disclosed, in accordance with the opinion of the court filed herein this date. USCA Case Number 14-5013. (Attachments: # <u>1</u> USCA Opinion)(rd) (Entered: 06/02/2015) |
| 06/02/2015 | | MINUTE ORDER: Upon issuance of the Mandate from the Court of Appeals, this Court ORDERS that the parties shall appear for a status hearing on June 22, 2015, at 9:30 a.m. in Courtroom 19. Signed by Judge James E. Boasberg on 6/2/15. (lcjeb1) (Entered: 06/02/2015) |
| 06/02/2015 | | Set/Reset Hearing: A Status Conference is set for 6/22/2015, at 9:30 AM, in Courtroom 19, before Judge James E. Boasberg. (ad) (Entered: 06/02/2015) |
| 06/18/2015 | <u>24</u> | NOTICE of Appearance by Alan Jay Butler on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Butler, Alan) (Entered: 06/18/2015) |
| 06/22/2015 | | MINUTE ORDER: As discussed at today's status hearing, the Court ORDERS that Defendant shall by July 6, 2015, file a Notice regarding any further release of the document at issue. In addition, Defendant shall provide to the Court <i>in camera</i> both a clean and redacted version of the document. Signed by Judge James E. Boasberg on 6/22/15. (lcjeb1) (Entered: 06/22/2015) |
| 06/22/2015 | | Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference held on 6/22/2015. (Defendant shall by July 6, 2015, file a Notice regarding any further release of the document at issue). (Court Reporter Lisa Griffith) (ad) (Entered: 06/22/2015) |
| 07/06/2015 | <u>25</u> | NOTICE of <i>In Camera</i> Filing by DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Exhibit SOP 303 Redacted)(Sandberg, Justin) (Entered: 07/06/2015) |
| 07/10/2015 | | MINUTE ORDER: The Court has reviewed in camera the submissions by the Department of Homeland Security and believes that DHS's segregation decisions have been liberal and erred on the side of disclosure. As a result, consistent with the decision by the Court of Appeals, this Court does not find that any further information on these pages must be released. The Court ORDERS, accordingly, that judgment is ENTERED in favor of Defendant. Signed by Judge James E. Boasberg on 07/10/15. (lcjeb2) (Entered: 07/10/2015) |
| 04/05/2016 | <u>26</u> | NOTICE of Appearance by Thailam John Tran on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Tran, Thailam) (Entered: 04/05/2016) |
| 04/05/2016 | <u>27</u> | Joint MOTION for Briefing Schedule by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Text of Proposed Order)(Tran, Thailam) (Entered: 04/05/2016) |
| 04/05/2016 | | MINUTE ORDER granting Joint <u>27</u> Motion for Briefing Schedule. The Court ORDERS that EPIC's motion for attorneys' fees and costs shall be filed by no later than April 25, 2016; DHS's opposition shall be filed by no later than May 27, 2016; and EPIC's reply shall be filed by no later than June 10, 2016. Signed by Judge James E. Boasberg on 04/05/2016. (lcjeb2) (Entered: 04/05/2016) |

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| 04/06/2016 | | Set/Reset Deadlines: EPIC's motion for attorneys' fees and costs shall be filed by no later than 4/25/2016; DHS's opposition shall be filed by no later than 5/27/2016; and EPIC's reply shall be filed by no later than 6/10/2016. (ad) (Entered: 04/06/2016) |
| 04/25/2016 | <u>28</u> | MOTION for Attorney Fees by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Declaration of T. John Tran, # <u>2</u> Exhibit Kavanaugh Declaration, # <u>3</u> Exhibit 2014 Real Rate Report, # <u>4</u> Exhibit Westlaw Billing Report, # <u>5</u> Exhibit Westlaw Billing Report, # <u>6</u> Exhibit LSI Laffey Matrix, # <u>7</u> Exhibit USAO Laffey Matrix, # <u>8</u> Exhibit Billing Records, # <u>9</u> Affidavit of M. Rotenberg, # <u>10</u> Affidavit of A. Butler, # <u>11</u> Affidavit of G. McCall, # <u>12</u> Affidavit of D. Jacobs, # <u>13</u> Affidavit of J. Horwitz, # <u>14</u> Affidavit of D. Husband, # <u>15</u> Affidavit of T. Tran, # <u>16</u> Affidavit of A. Thomson, # <u>17</u> Text of Proposed Order)(Tran, Thailam) (Entered: 04/25/2016) |
| 05/26/2016 | <u>29</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION for Attorney Fees by DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Sandberg, Justin) (Entered: 05/26/2016) |
| 05/27/2016 | | MINUTE ORDER granting Defendant's <u>29</u> Consent Motion for Extension of Time to File Opposition to Plaintiff's Motion for Fees and Costs. The Court ORDERS that Defendant shall file its Opposition by no later than June 3, 2016, and Plaintiff shall file its Reply, if any, by no later than June 17, 2016. Signed by Judge James E. Boasberg on 05/27/2016. (lcjeb2) (Entered: 05/27/2016) |
| 05/27/2016 | | Set/Reset Deadlines: Defendant's opposition to motion for fees and costs due by 6/3/2016; Plaintiff's Reply due by 6/17/2016. (tg) Modified on 5/27/2016 (tg). (Entered: 05/27/2016) |
| 06/03/2016 | <u>30</u> | RESPONSE re <u>28</u> MOTION for Attorney Fees filed by DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Sandberg, Justin) (Entered: 06/03/2016) |
| 06/17/2016 | <u>31</u> | REPLY to opposition to motion re <u>28</u> MOTION for Attorney Fees filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Declaration of T. John Tran, # <u>2</u> Exhibit Supplemental Billing Records, # <u>3</u> Affidavit of M. Rotenberg, # <u>4</u> Affidavit of A. Butler, # <u>5</u> Affidavit of T. Tran, # <u>6</u> Affidavit of A. Thomson)(Tran, Thailam) (Entered: 06/17/2016) |
| 07/18/2016 | <u>32</u> | ORDER GRANTING IN PART and DENYING IN PART <u>28</u> Plaintiff's Motion for Attorney Fees and Costs. Signed by Judge James E. Boasberg on 7/18/16. (lcjeb2) (Entered: 07/18/2016) |
| 07/18/2016 | <u>33</u> | Memorandum Opinion re <u>32</u> Order on Plaintiff's Motion for Attorney Fees and Costs. Signed by Judge James E. Boasberg on 7/18/16. (lcjeb2) (Entered: 07/18/2016) |